

CHAPTER 23

UNIFORM CONSTRUCTION CODE

Authority

N.J.S.A. 52:27D-123, 123a, 123.2, 123.5, 123.8, 124, 124f and 133.4.

Source and Effective Date

R.2003 d.70, effective January 15, 2003.
See: 34 N.J.R. 351(a), 35 N.J.R. 1054(a).

Chapter Expiration Date

Chapter 23, Uniform Construction Code, expires on January 15, 2008.

Chapter Historical Note

Chapter 23, Uniform Construction Code, was adopted as R.1976 d.344, d.345, d.346 and d.347, effective January 1, 1977 and codified as Subchapter 1, General Provisions; Subchapter 2, Administration and Enforcement Process; Subchapter 3, Subcodes, and Subchapter 4, Enforcing Agencies: Duties, Powers, Procedures. See: 8 N.J.R. 216(b), 319(a), 370(d), 414(a); 8 N.J.R. 546(a). Chapter 23, Uniform Construction Code, superseded N.J.A.C. 5:16, Standard Building Code and N.J.A.C. 5:20, Safety Glazing Materials, which were repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a). Chapter 23, Uniform Construction Code, also superseded N.J.A.C. 5:21, Uniform Standards Code for Mobile Homes, which was repealed by R.1982 d.7, effective February 1, 1982. See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

Subchapter 5, Licensing of Code Enforcement Officials, was adopted as R.1977 d.304, effective October 1, 1977. See: 9 N.J.R. 257(b), 9 N.J.R. 413(b). Subchapter 6, Tax Exemption for Solar Facilities, was adopted as R.1978 d.334, effective September 18, 1978. See: 10 N.J.R. 222(b), 10 N.J.R. 418(a).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Tax Exemption for Solar Facilities, was readopted as R.1980 d.303, effective July 1, 1980. See: 12 N.J.R. 249(c), 12 N.J.R. 452(c).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1983 d.144, effective April 26, 1983. See: 14 N.J.R. 1247(a), 15 N.J.R. 803(c).

Subchapter 7, Barrier Free Subcode, was adopted as R.1986 d.448, effective November 3, 1986. See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).

Subchapter 8, Asbestos Hazard Abatement Subcode, was adopted as Emergency New Rules R.1985 d.362, effective June 18, 1985 (expired August 17, 1985). See: 17 N.J.R. 1782(a).

Pursuant to Executive Order No. 66(1978), the provisions of R.1985 d.362 were readopted as R.1985 d.472, effective August 16, 1985. See: 17 N.J.R. 2249(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1988 d.168, effective March 22, 1988. N.J.A.C. 5:23-6.1, 6.2 and 6.3, concerning tax exemption for solar facilities, were not readopted and expired on April 1, 1988. See: 20 N.J.R. 223(a), 20 N.J.R. 893(a).

Subchapter 9, Code Interpretations, was adopted as R.1988 d.195, effective May 2, 1988. See: 20 N.J.R. 224(a), 20 N.J.R. 977(a).

Subchapter 10, Radon Hazard Subcode, was adopted as R.1990 d.226, effective May 7, 1990. See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Subchapter 4A, Industrialized/Modular Buildings and Building Components, was adopted as R.1990 d.313, effective June 18, 1990, (operative July 1, 1990). See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was adopted as R.1992 d.33, effective January 21, 1992. See: 23 N.J.R. 1730(b), 24 N.J.R. 229(c).

Subchapter 12, Elevator Safety Subcode, was adopted as R.1991 d.325, effective July 1, 1991. See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1993 d.106, effective February 3, 1993. See: 24 N.J.R. 1420(b), 25 N.J.R. 920(a).

Subchapter 4B, Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulation, and Subchapter 4C, Enforcement of Federal Manufactured Home Standards, were adopted as R.1994 d.96, effective February 22, 1994. See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

N.J.A.C. 5:23-7.1 through 7.99 were repealed and 7.100 through 7.116 were recodified as 7.2 through 7.18 by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995). See: 26 N.J.R. 2698(a), 26 N.J.R. 2524(a), 27 N.J.R. 1180(a).

Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was repealed by R.1995 d.612, effective December 4, 1995 (operative July 1, 1995). See: 27 N.J.R. 3518(a), 27 N.J.R. 4885(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1997 d.409, effective September 9, 1997. As a part of R.1997 d.409, effective October 6, 1997, Subchapter 6, Tax Exemption, was repealed. See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Subchapter 6, Rehabilitation Subcode, was adopted as R.1998 d.28, effective January 5, 1998. See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Subchapter 12A, Optional Elevator Inspection Program, was adopted as R.1998 d.480, effective September 21, 1998. See: 30 N.J.R. 1119(b), 30 N.J.R. 3461(a).

Subchapter 11, Playground Safety Subcode, was adopted as R.1999 d.351, effective October 18, 1999. See: 31 N.J.R. 1838(a), 31 N.J.R. 3082(a).

Subchapter 3A, State-Jurisdiction Subcodes, was adopted as R.2001 d.303, effective September 4, 2001. See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

Chapter 23, Uniform Construction Code, was readopted as R.2003 d.70, effective January 15, 2003. See: Source and Effective Date.

Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

(a) These regulations shall be known as the “Regulations for the New Jersey Uniform Construction Code” and are referred to herein as “the regulations”.

(b) The chapter consists of the following subchapters:

1. “General provisions” which may be cited throughout the regulations as N.J.A.C. 5:23-1 and when referred to in subchapter 1 of this chapter may be cited as this subchapter.

2. “Administration and enforcement; process” which may be cited throughout the regulations as N.J.A.C. 5:23-2 and when referred to in subchapter 2 of this chapter may be cited as this subchapter.

3. “Subcodes” which may be cited throughout the regulations as N.J.A.C. 5:23-3 and when referred to in subchapter 3 of this chapter may be cited as this subchapter.

i. N.J.A.C. 5:23-3.11B contains references to the Department of Environmental Protection’s rules concerning underground storage tanks, codified at N.J.A.C. 7:14B, which are jointly enforced by this Department and local enforcing agencies pursuant to this chapter.

4. “Enforcing agencies: duties, powers, and procedures” which may be cited throughout the regulations as N.J.A.C. 5:23-4 of this chapter and when referred to in subchapter 4 of this chapter may be cited as this subchapter.

5. “Industrialized/Modular Buildings and Building Components” which may be cited throughout the regulations as N.J.A.C. 5:23-4A and when referred to N.J.A.C. 5:23-4A may be cited as this subchapter.

6. “Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulations” which may be cited throughout the regulations as N.J.A.C. 5:23-4B and when referred to in subchapter 4B may be cited as this subchapter.

(C) The insulation inspection shall be performed after all other subcode rough inspections and prior to the installation of any interior finish material.

(D) The inspector shall use a Department approved checklist.

(2) Electrical Subcode: Rough wiring, panel and service installation.

(3) Plumbing Subcode: Rough piping.

2. Inspections for all subcodes of construction, other than one-and two-family dwellings, shall be limited to those required for one-and two-family dwellings and the following: fire suppression systems; heat producing devices; any special inspections required by any subcode of the regulations;

i. The mid-point inspection shall include a review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for buildings required by N.J.A.C. 5:23-7.1 to be accessible.

3. Any additional inspections, as permitted by this chapter and as may be required by the municipality, shall be of the type and nature that construction may continue without interruption;

4. Additional inspection schedule: Where buildings proposed for construction exceed two stories in height or by their nature pose complex or unusual inspection problems, the construction official or appropriate subcode official may specify additional inspections to the applicant in writing prior to the issuance of a permit and during construction in the case of unforeseeable circumstances.

(c) Notice for inspection:

1. The owner or other responsible person in charge of work shall notify the enforcing agency when the work is ready for any required inspection specified herein or required by the construction official or appropriate subcode official. This notice shall be given at least 24 hours prior to the time the inspection is desired. Inspections shall be performed within three business days of the time for which it was requested. The work shall not proceed in a manner which will preclude the inspection until it has been made.

(d) Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

1. Building and Fire Subcode: Installation of all interior and exterior finish materials, sealing of exterior joints, mechanical system and any other required equipment.

2. Electrical Subcode: Wiring, devices and fixtures.

3. Plumbing Subcode: Piping, trim and fixtures.

4. Tests required by any provision of the adopted subcodes.

5. A review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for all buildings required by N.J.A.C. 5:23-7.1 to be accessible.

6. Verification of compliance with N.J.A.C. 5:23-3.5, Posting structures.

(e) Inspections records: The enforcing agency shall make a written record of all inspections, including any discrepancies or violations noted and shall maintain those reports as a public record which shall be available for public inspection during normal business hours.

(f) Department inspections: At the request of an enforcing agency, the Department may assist the enforcing agency in the inspection of any construction, provided that the enforcing agency has submitted the plans and specifications for such construction to the Department.

(g) The construction official shall serve as an agent of the Bureau of Housing Inspection of the Department of Community Affairs for the purpose of inspecting newly constructed and altered hotels and multiple dwellings in order to enforce the provisions of the regulations for the maintenance of hotels and multiple dwellings (N.J.A.C. 5:10). Responsibility for inspection may be delegated to the appropriate subcode official(s).

(h) Periodic inspections: The building subcode official or fire protection subcode official may periodically inspect all existing buildings and structures, except one and two family dwellings, for compliance with the rules with respect to posting. Such inspection shall specify any violation of the rules with respect to the posting of floor load, occupancy load and use group of the building.

Amended by R.1981 d.182, effective June 4, 1981.

See: 13 N.J.R. 187(b), 13 N.J.R. 333(b).

Amended by R.1992 d.244, effective June 15, 1992.

See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).

Class I inspections added to (b)iv.

Amended by R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

Amended by R.1997 d.304, effective July 21, 1997.

See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

Added (b)iii(1) and (d)1.

Amended by R.2000 d.166, effective April 17, 2000.

See: 31 N.J.R. 4151(a), 32 N.J.R. 1376(a).

In (d), added 2; and added (h).

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

In (b), rewrote iv.

Amended by R.2003 d.216, effective May 19, 2003.

See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

Rewrote the section.

Administrative correction.

See: 35 N.J.R. 3298(a).

5:23-2.18A Utility load management device installation programs

(a) Whenever a public utility proposes to undertake a program of installing load management devices at the properties of a substantial number of service customers within a limited period of time, it may apply to the Department for permission to utilize the procedure set forth in this section.

(b) A utility with a program to install load management devices shall submit detailed information to the Department on the design of the device.

(c) The utility shall provide an educational program acceptable to the Department to acquaint any interested Department personnel and municipal subcode officials with the device and with installation and operating procedures.

(d) The utility shall insure that all devices to be installed are identical in design, listed and labeled or otherwise approved according to this chapter for their intended use.

(e) At least one month in advance of any installations, the utility shall submit to the Department, and to each affected municipality, notice of the anticipated number of installations to be performed in each municipality. A maximum and a minimum figure may be submitted where there is uncertainty about the number to be scheduled by customers. An approximate number of weeks for installations in that municipality shall be given along with an approximate number of installations per week.

1. Each week, in advance of installation, the utility shall notify the municipality of any change in the anticipated number of installations for that week. No weekly number of installations shall be so great that the cumulative number of installations in the municipality shall exceed the maximum anticipated number submitted.

2. Prior to the commencement of any installation, and as soon as may be practicable, the utility or its contractors will provide to each municipality notice of the actual sites of installations.

3. The Department and the municipalities shall be notified as soon as possible in the event of any change in existing schedules by the utility or its contractors.

(f) On the Monday following installations, the utility shall submit to each municipality a completed permit application for all installations completed in the municipality's jurisdiction during the preceding week.

1. A listing of all permits so delivered shall be filed by the utility with the Department.

2. All devices installed during that week, by a single contractor, shall be included on that application. The application shall include the Construction Permit Application and an Electrical Subcode Technical Section.

3. Since the permit is not, typically, for work at a single location, the block number shall be entered as

"UCC 2.18" and the lot as "A." The work site location shall be the name of the municipality and the owner in fee shall be the utility.

4. In addition to the Construction Permit Application, the utility or contractor shall supply the municipality a complete listing of locations where the devices, listed on this permit, were installed. This list shall include owner's name, owner's address, block and lot, date of installation, type of device(s) installed, and the contractor's name.

(g) If, for any reason, a permit application, or any part, is found to have been submitted in error, the utility or its contractors shall notify the municipality as soon as possible.

(h) When all required municipal and utility inspections have been approved, a single certificate of approval, for that permit, shall be issued to the utility.

(i) If any municipality or the Department has reason to suspect that permit applications are being mishandled or carelessly accounted for, an investigation may be conducted of the utility's permit files for this project and of any permits in the possession of individual contractors in the utility's employ for this project.

(j) The utility shall pay to each municipality 30 percent of the permit fees otherwise due and owing.

(k) The municipality shall inspect 30 percent of the installations performed and shall record the results of those inspections. The utility shall inspect at least 10 percent of the installations performed and shall record the results of those inspections and forward those results concurrently to the municipality and to the Department weekly.

(l) If a municipality or a utility discovers a defect rate of not less than seven percent for any contractor employed by the utility, the Department shall be immediately notified. The Department shall investigate and, in the interest of public safety, shall be authorized to order that:

1. The offending contractor cease to be employed by the utility for this project;

2. The utility remit the fees necessary to inspect all existing installations of the offending contractor in all municipalities where that contractor has performed work;

3. That each municipality affected perform inspections of all the offending contractor's existing installations; and

4. That the utility or its designees correct or remove all defective installations to the satisfaction of the municipal officials.

(m) If, at any time, the Department tabulates a program-wide defect rate equal to or exceeding three percent, the utility shall be notified and the inspection rate and fee rate in (j) and (k) above shall rise to 50 percent.

(n) If the three percent or greater program-wide defect rate cannot be reduced within two weeks, the program may be terminated by the Department by notifying the utility and all affected municipalities.

(o) A municipality in which a defect rate equal to or greater than seven percent has been twice reported to the Department and which has reason to believe that the program cannot be successfully implemented within its jurisdiction may notify the Department and the utility of the need for termination of the program in that municipality. The Department, upon verifying the accuracy of the municipality's claim, shall issue a notice to the utility and to the municipality ordering the termination of the program in that municipality.

New Rule, R.1989 d.550, effective November 6, 1989.
See: 21 N.J.R. 233(a), 21 N.J.R. 3458(a).
Amended by R.1994 d.28, effective January 18, 1994.
See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).
Amended by R.1996 d.512, effective November 4, 1996.
See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

5:23-2.18B Utility area lighting facility installation program

(a) Whenever an electric utility proposes to undertake installation of area lighting facilities located on private property on metal poles with an underground electric feed, having no ancillary utility facilities attached to said poles, the utility shall follow the procedures set forth in this section.

(b) Installation of an area lighting facility shall be treated as minor work in accordance with N.J.A.C. 5:23-2.17A. The utility shall, within five business days after verbal notice to the enforcing agency of a proposed installation, mail a permit application to the enforcing agency setting forth, at a minimum, the identity of the utility, the street address and location of the site lighting facilities, the number of facilities to be installed and a description of the installation.

(c) The utility shall pay a fee which shall be computed at 25 percent of the otherwise applicable permit fee chargeable for such installations as per the Department fee schedule established under N.J.A.C. 5:23-4.20(c)2i(2) and iii(1).

(d) If any violations are noted by an inspector, the inspector shall notify the affected utility and the Department. Code officials shall not issue "Stop Construction Orders" or "Notices of Violation" for such installations unless expressly authorized to do so by the Department.

New Rule, R.1998 d.362, effective July 20, 1998.
See: 30 N.J.R. 1122(a), 30 N.J.R. 2644(b).

5:23-2.18C Use and occupancy of swimming pools, spas and hot tubs

(a) It shall be unlawful to continue the use and occupancy of a swimming pool, spa or hot tub until a copy of a valid bonding and grounding certificate has been made available to the construction official, the pool, spa or hot tub has been inspected, and an electrical certificate of compliance has been issued. This requirement shall apply to any swimming pool, hot tub or spa located on any property other than one or two-family residential property and includes, but is not limited to, pools, hot tubs or spas open for the use of members, residents or the public.

1. The electrical certificate of compliance shall be issued annually by the local enforcing agency upon the presentation of a valid bonding and grounding certificate, satisfactory completion of an inspection by the electrical subcode official and payment of an inspection fee. This certificate shall be evidence that, based upon a visual inspection, the wiring in or around the pool pump and associated electrical equipment is free from electrical safety hazards, and meets the applicable requirements of the 1996 National Electrical Code.

2. The bonding and grounding certificate shall be issued in accordance with N.J.A.C. 5:23-2.20(d).

3. A bonding and grounding certificate shall also be required for swimming pools, spas, or hot tubs which either are newly constructed or have undergone modifications that impact the bonding or grounding system. No additional visual inspection shall be required for the issuance of an electrical certificate of compliance where a construction permit is issued for the electrical work pertaining to the pool, spa, or hot tub.

(b) The most recent bonding and grounding certificate and electrical certificate of compliance shall be posted in accordance with N.J.A.C. 5:23-3.5(f).

New Rule, R.2000 d.47, effective February 7, 2000.
See: 31 N.J.R. 2314(a), 32 N.J.R. 443(a).

5:23-2.19 Special technical services

(a) Whenever the construction official and the appropriate subcode official determine that a need for special technical services exists with regard to a particular project for which the municipal enforcing agency is classified to perform plan review, the construction official may require the applicant to obtain and furnish to the construction official, at the applicant's expense, a report from a licensed engineer or registered architect. Such report shall contain the information deemed necessary by the construction official to aid in his determination. Such may include, but not be limited to:

1. Analysis of materials and installation or design methods not covered by the provisions of the subcodes;
2. Site investigation;
3. Structural analysis;
4. Building systems analysis (that is, mechanical, electrical, vertical transportation, and so forth).

(b) The commissioner reserves the right to further regulate the performance of special technical services.

Amended by R.1998 d.28, effective January 5, 1998.
See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

(1) 1½ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1½ inch door.

4. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2406.2 of the building subcode. (Building)

5. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

6. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

7. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the replacement of existing equipment with equipment using a different refrigerant or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

8. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 716.2 of the building subcode. The fireblocking material shall comply with section 716.2.1 or 716.2.1.1 of the building subcode.

(f) In buildings of Use Group R-3, R-4 and R-5 and in dwelling units of Use Group R-2, smoke detectors shall be

installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted.

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(h) All materials and methods used shall comply with the building, plumbing, fire protection, mechanical, electrical and barrier free subcodes as specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum of total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

Amended by R.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Inserted (d)5; in (e), changed N.J.A.C. reference in 1, deleted "In all use groups other than H," at the beginning of 3ii(1), and added 7; and rewrote (f).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2; in (d), added 6; in (e)6, deleted "listed," preceding "like material", rewrote 6iii and substituted "Section 250-140" for "Section 250-60" in 6v.

Amended by R.2002 d.5, effective January 7, 2002.

See: 33 N.J.R. 3392(a), 34 N.J.R. 267(a).

In (d), added new 7; in (e) added new 8 and 9.

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

Deleted (e)9; added a new (g); recodified former (g) as (h).

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

Rewrote the section.

5:23-6.6 Alterations

(a) Alterations, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed $L/180$ for roofs with a slope of 3 in 12 or less or $L/120$ for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed $L/240$ for roofs with a slope of 3 in 12 or less or $L/180$ for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed $L/180$ for roofs or $L/240$ for floors.

2. Existing fire alarm, fire suppression, standpipe, smoke control and emergency power systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7. (Building)

4. Construction materials used as part of an alteration project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive.

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)

4. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

5. Bars, grilles and screens shall not be placed over emergency escape windows or doors in Use Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)

6. The following practices shall not be used on painted surfaces in all buildings of Use Group R that were constructed before 1978, Use Group E and Use Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).

7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Use Groups R-2, R-3, R-4 and R-5.

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b) 8ii. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1-1998, Section 604.8 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1-1998, Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1-1998, Chapter 10 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the altered space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)

(3) Where it is technically infeasible to gain compliance within an altered bathroom, signage to the closest accessible bathroom (if any) shall be provided at the altered bathroom. (Building)

3. Replacement doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created,

existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1-1998, Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1-1998, Section 404.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Use Groups I-1, R-1 or R-2 shall be 1¾ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) 1¾ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1¾ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, an accessible entrance shall be provided if this does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.1. (Building)

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2406.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3 of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle

outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

9. In buildings of Use Group R or I-1, when the work being performed creates a bedroom, the following shall be provided:

i. A hard-wired smoke detector shall be installed within each new bedroom and a second, hard-wired smoke detector shall be installed within the immediate vicinity of the bedroom in accordance with NFPA 72. (Fire)

ii. A bedroom window or exterior door that meets the requirements of N.J.A.C. 5:23-6.9(a)17 shall be provided when the bedroom created is below the fourth floor. (Building)

(1) This requirement shall not apply in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

10. In buildings of Use Group R-3, R-4 and R-5, when the work being performed creates living space over a private garage, the private garage shall comply with Sections 302.3.3 or R309.2 as applicable of the building subcode for fire resistance rating.

11. In buildings of Use Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of ICC/ANSI A117.1-1998 unless the facility already provides the number of accessible sleeping rooms required by the barrier free subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by the barrier free subcode. (Building)

12. In buildings of Use Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area.

13. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

14. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 716.2 of the building subcode. The fireblocking material shall comply with section 716.2.1 or 716.2.1.1 of the building subcode.

(f) In buildings of Use Group R-3, R-4 and R-5 and in dwelling units of Use Group R-2, smoke detectors shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted. (Fire)

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(h) The work shall not make the building less conforming with the basic requirements of this subchapter than it was when the alteration was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC.

(i) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(j) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(k) In a building required by the barrier free subcode to be accessible, where the space altered is a primary function space, an accessible path of travel to the altered space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall alteration project; a cost is disproportionate if it exceeds 20 percent of the cost of the alteration work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the altered area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the altered primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

- i. Windows, hardware, operating controls, electrical outlets and signage;
- ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or
- iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the alteration of materials or systems listed in (j)2 above, the path of travel requirements shall not apply.

4. Where the alteration work is for the primary purpose of increasing the accessibility of the building or

tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards in the barrier free subcode, the work must comply to the maximum extent feasible.

Amended by R.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Inserted (d)5; in (e), changed N.J.A.C. reference in 1, inserted a second sentence in 2iii(2), deleted "In all use groups other than H," at the beginning of 3ii(1), rewrote 9, inserted a new 10, recodified former 10 and 11 as 11 and 12, and added 13; and rewrote (f).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2 and added 4; in (d), added 6; in (e), rewrote 8iii and substituted "Section 250-140" for "Section 250-60" in 8v; in (j)3, amended internal reference.

Amended by R.2002 d.5, effective January 7, 2002.

See: 33 N.J.R. 3392(a), 34 N.J.R. 267(a).

In (d), added new 7; in (e) added new 14 and 15.

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

Deleted (e)15; added a new (g); recodified former (g) through (j) as (h) through (k).

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

Rewrote the section.

5:23-6.7 Reconstruction

(a) Reconstruction, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

1. If a project is less than the entire use, primary function space or tenancy by a de minimis amount, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

2. If work performed or to be performed in phases is so extensive that the project would require a new certificate of occupancy if the work were performed at one time, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not

be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or L/120 for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.

2. Existing fire alarm, fire suppression, standpipe, smoke control and emergency power systems shall not be removed without replacement and shall be maintained in operating condition. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7. (Building)

4. Construction materials used as part of a reconstruction project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive.

(d) The following products and practices shall not be used:

1. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

2. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electric Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; (Electrical)

3. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems (Plumbing); and

4. Bars, grilles and screens shall not be placed over emergency escape windows or doors in Use Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)

5. The following practices shall not be used on painted surfaces in all buildings of Use Group R that were constructed before 1978, Use Group E and Use Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).

6. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Use Groups R-2, R-3, R-4 and R-5.

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)8ii. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are altered the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1-1998, Section 604.8 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1-1998, Sections 603 through 608, as applicable, for nonresidential buildings or for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the altered space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)

(3) Where it is technically infeasible to gain compliance within a reconstructed bathroom, signage to the closest accessible bathroom (if any) shall be provided at the reconstructed bathroom. (Building)

3. Replacement or new doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1-1998, Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1-1998, Section 404.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Use Groups I-1, R-1 or R-2 shall be 1 $\frac{3}{4}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) 1 $\frac{3}{4}$ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1 $\frac{3}{4}$ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, a ramp shall be installed provided that the installation of a ramp does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as

specified by Section 2406.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding-type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Use Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

9. In buildings of Use Group R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area. (Building)

10. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

(f) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(g) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. For repair work undertaken as part of a reconstruction project, materials like those existing may be used. There is no limit to the amount of repair work which may be undertaken.

2. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Use Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

ii. Basement windows in buildings of Use Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(a)3 where the window serves as the second means of egress from the dwelling unit.

3. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(h) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(i) The basic requirements of this subchapter for the applicable use group shall be met within the work area(s). Attendant work outside the work area(s) shall not make the building less conforming with the basic requirements than it was when the reconstruction was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC. Existing fire alarm, fire suppression and standpipe systems shall not be removed without replacement and shall be maintained in operating condition.

(j) The supplemental requirements of this subchapter for the applicable use group shall be met whenever the extent of the work is such that the trigger accompanying each requirement is met or exceeded.

(k) In a building required by the barrier free subcode to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the reconstructed area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the reconstructed primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

i. Windows, hardware, operating controls, electrical outlets and signage;

ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or

iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the reconstruction of materials or systems listed in (j)2 above, the path of travel requirements shall not apply.

4. Where the work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards of ICC/ANSI A117.1-1998, the work must comply to the maximum extent feasible.

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2 and added 4; in (d), added 5; in (e), amended the N.J.A.C. reference in 5, rewrote 8iii, and substituted "Section 250-140" for "Section 250-60" in 8v.

Amended by R.2002 d.5, effective January 7, 2002.

See: 33 N.J.R. 3392(a), 34 N.J.R. 267(a).

In (d), added new 6; in (e), added new 11.

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

Deleted (e)11; added a new (f); recodified former (f) through (j) as (g) through (k).

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

Rewrote the section.

(d) Special change of use provisions: Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.

1. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of N.J.A.C. 5:23-6.30 may exceed the allowable areas specified in the building subcode for the proposed use group by 50 percent. (Plan review—Building, Fire. Inspection—Building)

Amended by R.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (a), inserted 2ii, deleted a former 3, and recodified former 4 as 3. Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (b)4, substituted "Section 1504" for "Section 1505.0" and substituted "Sections 1506 and 1507" for "Section 1507.0"; in (b)8i, inserted "or R-5" after "Use Group R-3"; in (b)10ii(1), substituted "Section 1003.2.12" for "Section 1021.0".

SUBCHAPTER 7. BARRIER FREE SUBCODE

Law Review and Journal Commentaries

Disability Law: Public Accommodations and the ADA. David J. Popiel, 170 N.J.Law. 16 (Mag.) (July 1995).

Disability Law: Housing Discrimination and the Disabled. David P. Lazarus, Susan DiMaria, 170 N.J.Law. 20 (Mag.) (July 1995).

5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Section was "Accessibility Standards".

5:23-7.2 Accessibility standard

(a) The International Code Council/American National Standards Institute standard (ICC/ANSI) A117.1-1998, entitled "Accessible and Usable Buildings and Facilities," is adopted by reference with modification as the technical design standard for accessible construction.

1. Copies of ICC/ANSI A117.1-1998 may be obtained from ANSI at 11 West 42nd Street, New York, New York 10036.

(b) Dimensions and construction specifications for sites, buildings, and structures required by this subchapter to be

accessible shall comply with the technical design standards in ICC/ANSI A117.1-1998, modified as follows:

1. In section 101.1, delete exceptions 2 and 3, which apply to Type B dwelling units;
2. In section 106.5, delete the definition of "Administrative Authority";
3. Delete Chapter 2, "Scoping";
4. In section 405.2, delete the exception and Table 405.2, which gives the slope of a ramp for an existing building;
5. Delete the Exception to section 505.6, entitled "Handrails, Gripping Surface."
6. Delete section 507, entitled "Bus Pads";
7. In Section 1002.3, Exception 3, the exceptions are amended to read as follows:
 - i. Exception 1. Exterior spaces.
 - ii. Exception 2. Attics and basements.
8. Section 1002.11 is amended as follows: Toilets and bathing facilities shall be required to comply with Sections 1002.11.1 through 1002.11.7.
9. Section 1002.13, entitled "Windows," shall be an adaptable feature;
10. Section 1002.11.4, entitled "Mirrors," shall be an adaptable feature;
11. Amend section 1002.12.3.2 as follows: "EXCEPTION: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum"; and
12. Delete Chapter 10, section 1003, entitled "Type B Dwelling Units," in its entirety.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

5:23-7.3 Exceptions

(a) The following nonresidential buildings or structures or portions thereof shall not be required to comply with the provisions of this subchapter.

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;
 - i. Exception: Construction site trailers used as sales offices shall be accessible;
2. Areas of buildings or structures where work cannot reasonably be performed by persons having a severe impairment (sight, mobility or hearing) shall not be required to comply with the specific provisions of this subchapter that provide accessibility to such persons;

i. Such areas include, but are not limited to, observation galleries used primarily for security purposes, non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks; and

3. Unclassified accessory buildings or structures of Use Group U shall be exempt from the provisions of this subchapter, except as follows:

i. In agricultural buildings, areas used for employment, such as, but not limited to, offices or areas used for packing, sorting, or grading products, as well as areas open to the general public shall be accessible.

(b) The following residential buildings or structures shall not be required to comply with the provisions of this subchapter:

1. Townhouses;

i. For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of living space, exclusive of basement or attic. The dwelling unit shall have an independent entrance that shall serve a single dwelling unit only and that is at or near grade; most or all of the sleeping rooms shall be on one story; and most of the remaining habitable space, such as kitchen, living, and dining areas, shall be on another story; or

2. Buildings of Use Group R-2, R-3, or R-4 with one, two or three dwelling units in a single structure;

i. For the purposes of determining the number of dwelling units in a single structure, firewalls shall not constitute separate buildings.

(c) Regardless of whether individual residential structures or dwelling units on a site are required to be accessible, all common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), rewrote the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

5:23-7.4 Nonresidential buildings and buildings of Use Group R-1

(a) Nonresidential buildings, and buildings of Use Group R-1, shall provide accessibility as follows:

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Small buildings shall not be required to have elevator(s) to provide a vertical accessible route between floors.

i. Regardless of the total square footage of the building, buildings that are three or more stories with any floor of 3,000 square feet or more shall be required to have elevator(s) to provide a vertical accessible route between floors;

ii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors;

iii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors;

iv. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors; and

v. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

(1) For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

2. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in (a)1 above. In addition, large buildings shall be required to have elevator(s) to provide a vertical accessible route between floors.

3. For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

4. Except as provided in (a)1 above, floors or mezzanines of less than 3,000 square feet shall not be required to be served by an elevator, but shall otherwise meet the requirements of this subchapter.

i. Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on the floor or mezzanine, and where there is no vertical accessible route, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

ii. A limited use limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance of the device does not exceed 25 feet.

5. The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building:

i. An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

ii. In buildings, facilities, or portions thereof that primarily serve children, variations shall not be required to adjust accessible dimensions to make building features suitable for children.

(1) However, in such buildings, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

5:23-7.5 Residential buildings other than Use Group R-1

(a) Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet between exterior walls or firewalls, shall provide accessible building features as required by N.J.A.C. 5:23-7.4 and subsections (d) and (e) below.

1. For the purposes of applying this subsection, firewalls having openings allowing for human passage shall not designate separate buildings.

(b) Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more between exterior walls or firewalls, shall provide accessible building features as required by N.J.A.C. 5:23-7.4 and subsection (d) below.

1. For the purposes of applying this subsection, firewalls having openings allowing for human passage shall not designate separate buildings.

(c) Buildings of Use Group R-2, R-3, or R-4 with four or more dwelling units in a single structure shall comply with the provisions of this subchapter.

1. For the purposes of applying this subsection, fire-wall separations shall not designate separate buildings within a single structure.

2. When being applied to a dwelling unit, the terms "accessible" and "adaptable" shall be interchangeable and shall mean that the dwelling unit has an accessible entrance; and accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms. The dwelling unit shall have either the adaptable features specified in (f) below in the kitchen and bathroom or a fully accessible kitchen and bathroom as provided in the ICC/ANSI 117.1-1998 standard.

3. All common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

(d) Except as provided at N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings shall comply with the provisions of this subchapter.

1. In an elevator-serviced building, whether a dwelling unit is single story or multi-story, the entry level of each dwelling unit shall have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

i. An interior vertical accessible route shall not be required within a multi-story dwelling unit.

(e) In a building without elevator service, each ground floor dwelling unit shall be required to have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

1. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit, all multi-story dwelling units with a ground floor entrance shall be accessible as provided in (d) above.

(f) In addition to the adaptable features in ICC/ANSI A117.1, the following building features in a dwelling unit may also be considered adaptable:

1. The threshold for a shower compartment (ICC/ANSI A117.1, Section 608.7) may be adaptable as long as the shower threshold can be made accessible with minimal expense and effort.

2. The mirror height (ICC/ANSI A117.1, Section 1002.11.4) may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort.

3. Kitchen cabinets mounted above the kitchen counters (ICC/ANSI A117.1, Section 1002.14) may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort.

4. Windows (ICC/ANSI A117.1, Section 1002.13) shall be an adaptable feature.

(g) In an accessible dwelling unit, an accessible route shall be permitted to pass through the kitchen.

(h) Assisted living facilities that are designated as Use Group I-2 for purposes of building subcode and fire protection subcode compliance shall be considered as Use Group R-2 for the purposes of accessibility.

(i) When any dwelling unit, regardless of whether it is exempt from the provisions of this subchapter, includes a B use or an M use, any portion used for the B use or M use shall comply with the provisions of this subchapter.

1. This shall include, but not be limited to, parking, sidewalk, entrance, hallway, and those portions of the dwelling unit, interior or exterior, available to or used by customers or clients, including toilet facilities.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.18.

Amended by R.2002 d.256, effective August 5, 2002.

See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 4195(a).

5:23-7.6 Exterior accessible route

(a) Every site containing one or more buildings required by this subchapter to be accessible shall have at least one accessible route which shall provide access to and between buildings and facilities on the same site that are also required to be accessible.

1. Exterior accessible routes may include parking access aisles, curb ramps, walks, or ramps.

2. Where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.

3. An accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.

4. Entrances to buildings or spaces in buildings that are not required to be accessible shall not be required to be on an accessible route.

5. Unless it is the only building entrance, a loading or service entrance shall not be required to be on an accessible route.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to N.J.A.C. 5:23-7.19.

5:23-7.7 Accessible building entrances

(a) For buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with this subchapter.